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[Second Reprint]

ASSEMBLY, No. 3634

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Co-Sponsored by:

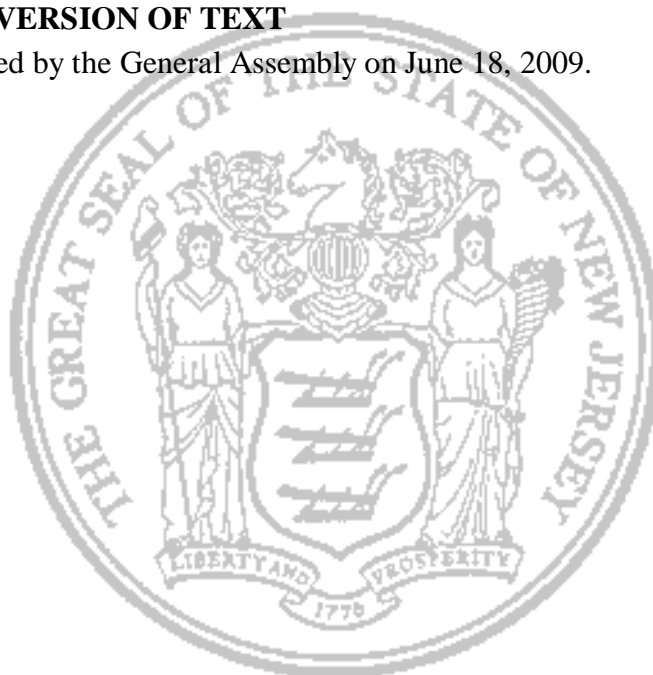
Assemblymen Prieto, Rudder, Senators Madden and Van Drew

SYNOPSIS

Makes sundry changes to limousine laws.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 18, 2009.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning limousines and revising various parts of the
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to
8 read as follows:

9 18. A person who shall own and operate a limousine in any
10 street in this State in violation of the provisions of article 2 of
11 chapter 16 of Title 48 of the Revised Statutes or of Title 39 of the
12 Revised Statutes shall be subject to the following penalties:

13 a. (1) For operating a limousine without a license issued by a
14 municipality pursuant to R.S.48:16-17, knowingly permitting a
15 driver to operate a limousine without a validly issued driver's
16 license or a validly issued commercial driver license if required
17 pursuant to N.J.A.C.13:21-23.1, failure to have filed an insurance
18 policy in the amount of \$1,500,000 which is currently in force as
19 provided in R.S.48:16-14 or in the amounts required pursuant to
20 section 14 of P.L.1999, c.356 (C.48:16-22.4), operating a limousine
21 in which the number of passengers exceeds the maximum seating
22 capacity as provided in R.S.48:16-13 or section 2 of P.L.1997,
23 c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense and a
24 fine of \$5000 for the second or subsequent offense;

25 (2) For operating a limousine without the special registration
26 plates required pursuant to section 12 of P.L.1979, c.224 (C.39:3-
27 19.5), or operating a limousine without the limousine being
28 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for
29 the first offense and a fine of \$2,500 for the second or subsequent
30 offense;

31 (3) For operating a limousine without the attached sideboards
32 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to
33 retain within the limousine appropriate proof of insurance pursuant
34 to R.S.48:16-17 or failure to execute and deliver to the **[Director of**
35 **the Division of Motor Vehicles]** chief administrator the power of
36 attorney required pursuant to R.S.48:16-16: a fine of \$250 for the
37 first offense and \$500 for the second and subsequent offense;

38 (4) For failure to be equipped with a two-way communications
39 system, a removable first-aid kit **[or]** , and an operable fire
40 extinguisher as required by section 11 of P.L.1999, c.356 (C.48:16-
41 22.1), or any other violation of the provisions of article 2 of chapter
42 16 of Title 48 of the Revised Statutes other than those enumerated
43 in this subsection: a fine of \$50 for the first offense and \$100 for
44 the second and subsequent offense.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted June 8, 2009.

²Assembly floor amendments adopted June 18, 2009.

1 b. Violations of this section shall be enforced and penalties
2 collected in a summary proceeding pursuant to "The Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 The Superior Court or any municipal court where the violation was
5 detected, or where the defendant was apprehended, shall have
6 jurisdiction to enforce this section. Penalties imposed pursuant to
7 this section shall be in addition to those otherwise imposed
8 according to law. All penalties collected pursuant to the provisions
9 of this section shall be forwarded as provided in R.S.39:5-40 and
10 subsection b. of R.S.39:5-41.

11 c. State Police officers may enter the property of the operator
12 of a limousine service to conduct an inspection of documents and
13 vehicles upon probable cause that the operator is violating
14 R.S.48:16-14, R.S.48:16-17, R.S.48:16-22, section 11 of P.L.1999,
15 c.356 (C.48:16-22.1), section 14 of P.L.1999, c.356 (C.48:16-22.4),
16 or section 12 of P.L.1979, c.224 (C.39:3-19.5).

17 (cf: P.L.2001, c.416, s.11)

18

19 2. R.S.48:16-13 is amended to read as follows:

20 48:16-13. Except as provided in section 2 of P.L.1997, c.356
21 (C.48:16-13.1), as used in this article:

22 "Autocab" means a limousine.

23 "Chief Administrator" means the Chief Administrator of the New
24 Jersey Motor Vehicle Commission.

25 "Commission" means the New Jersey Motor Vehicle
26 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
27 4).

28 "Limousine" means and includes any automobile or motor car
29 used in the business of carrying passengers for hire to provide
30 prearranged passenger transportation at a premium fare on a
31 dedicated, nonscheduled, charter basis that is not conducted on a
32 regular route and with a seating capacity **[in no event]** of no more
33 than 14 passengers, not including the driver, provided, that such a
34 vehicle **[shall not have a seating capacity in excess of four**
35 **passengers, not including the driver, beyond the maximum**
36 **passenger seating capacity of the vehicle, not including the driver,**
37 **at the time of manufacture]** is certified by the manufacturer of the
38 original vehicle and the second-stage manufacturer, if applicable, to
39 conform to all applicable Federal Motor Vehicle Safety Standards
40 promulgated by the United States Department of Transportation
41 pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq) and 49 CFR
42 Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission
43 Control Information" label, which contains the name and trademark
44 of the manufacturer and an unconditional statement of compliance
45 with the emission requirements of the Environmental Protection
46 Agency, shall be present on the vehicle. Nothing in this article
47 contained shall be construed to include taxicabs, hotel buses, buses
48 employed solely in transporting school children or teachers,

1 vehicles owned and operated directly or indirectly by businesses
2 engaged in the practice of mortuary science when those vehicles are
3 used exclusively for providing transportation related to the
4 provision of funeral services, autobuses which are subject to the
5 jurisdiction of the Department of Transportation , or interstate
6 autobuses required by federal or State law or regulations of the
7 Department of Transportation to carry insurance against loss from
8 liability imposed by law on account of bodily injury or death.

9 "Limousine or livery service" means and includes the business of
10 carrying passengers for hire by limousines.

11 "Person" means and includes any individual, copartnership,
12 association, corporation or joint stock company, their lessees,
13 trustees or receivers appointed by any court whatsoever.

14 "Principal place of business" means, in reference to a
15 municipality, the location of the main place of business of the
16 limousine service in the municipality where limousine service is
17 conducted, where limousines are dispatched, or where limousine
18 drivers report for duty.

19 "Street" means and includes any street, avenue, park, parkway,
20 highway, or other public place.

21 (cf: P.L.2001, c.416, s.4)

22

23 3. R.S.48:16-17 is amended to read as follows:

24 48:16-17. The clerk of the municipality, in which the owner has
25 his principal place of business, upon the filing of the required
26 insurance policy and the payment of a fee which shall not exceed ²a
27 total sum of² \$50 for each limousine service ²plus \$10 for each
28 limousine which is covered under the required insurance policy²,
29 shall issue in duplicate a license to operate showing that the owner
30 of the limousine has complied with the terms and provisions of this
31 article.

32 The license shall recite the name of the insurance company, the
33 number and date of expiration of the policy, a description of every
34 limousine insured thereunder, and the registration number of the
35 same.

36 The duplicate license shall be filed with the **【**Division of Motor
37 **】** commission before any such car is registered as a
38 limousine.

39 The original license or a copy thereof shall be retained within the
40 limousine and shall be available for inspection by any **【**police**】** law
41 enforcement officer in the State. In **【**lieu of**】** addition to the recital
42 of insurance information required on the license pursuant to this
43 section, the owner of a limousine **【**may affix**】** shall attach to the
44 original license or copy thereof retained within the limousine a
45 notarized letter from an insurance company containing the same
46 insurance information required in the recital and the Vehicle
47 Identification Number (VIN) or a notarized certificate of insurance

1 for the particular limousine showing the VIN as well as the limits of
2 insurance coverage, and available insurance card, which shall
3 constitute proof of insurance coverage, and which shall also be
4 available for inspection by any **[police]** law enforcement officer in
5 the State. A copy of the notarized letter or notarized certificate of
6 insurance shall constitute proof to the **[Director of the Division of**
7 **Motor Vehicles]** chief administrator, that the applicant has
8 complied with the insurance provisions of this section.

9 (cf: P.L.1999, c.356, s.7)

10
11 4. Section 9 of P.L.2001, c.416 (C.48:16-22.3a) is amended to
12 read as follows:

13 9. a. Any person who owns a limousine service ¹, or any other
14 company or service which pairs a passenger automobile, as defined
15 in R.S.39:1-1, and a driver with a private customer to provide
16 prearranged passenger transportation at a premium fare on a
17 dedicated, nonscheduled, charter basis that is not conducted on a
18 regular route, including, but not limited to, the use of authorized
19 drivers of rental vehicles to provide such passenger transportation,¹
20 shall require an applicant for employment as a limousine operator
21 or driver ¹, or as an operator or driver of any other passenger
22 automobile, as defined in R.S.39:1-1, provided through a company
23 or service which pairs a passenger automobile and a driver with a
24 private customer to provide prearranged passenger transportation at
25 a premium fare on a dedicated, nonscheduled, charter basis that is
26 not conducted on a regular route,¹ to provide the applicant's name,
27 address, citizenship status, a form of photographic identification,
28 birth certificate, and such other information as the Chief
29 Administrator of the New Jersey Motor Vehicle Commission
30 (hereinafter the "chief administrator") may require.

31 b. An applicant subject to the provisions of subsection a. of this
32 section shall submit to being fingerprinted by the Division of State
33 Police in the Department of Law and Public Safety or by agents
34 appointed by or under contract to the division and shall also provide
35 written consent to the performance of a criminal history record
36 background check unless the applicant was previously fingerprinted
37 and had a criminal history background check conducted as part of
38 an application for a Commercial Driver License or a passenger
39 endorsement under a Commercial Driver License or both. **[The**
40 applicant also shall provide written consent to the performance of a
41 criminal history record background check.**]** The chief administrator
42 is authorized to exchange fingerprint data and photographic
43 identification with and receive criminal history record background
44 information results from the **[Federal Bureau of Investigation and**
45 **the]** Division of State Police. The division shall inform the chief
46 administrator if an applicant's criminal history record background
47 check reveals a conviction of a disqualifying crime as specified in

1 subsection d. of this section. The applicant shall bear the cost of
2 fingerprinting and the cost for the background checks, including all
3 costs of administering and processing the checks. As used in this
4 section, "criminal history record background check" means a
5 determination of whether a person has a criminal record by cross-
6 referencing that person's name and fingerprint data with those on
7 file with the [Federal Bureau of Investigation, Identification
8 Division and the] State Bureau of Identification in the Division of
9 State Police.

10 c. No applicant shall be permitted to operate or drive a
11 limousine ¹, or any other passenger automobile, as defined in
12 R.S.39:1-1, provided through a company or service which pairs a
13 passenger automobile and a driver with a private customer to
14 provide prearranged passenger transportation at a premium fare on a
15 dedicated, nonscheduled, charter basis that is not conducted on a
16 regular route,¹ unless the applicant is 21 years of age or older and
17 unless the chief administrator provides written notification to the
18 owner of the limousine service ¹, or any other company or service
19 which pairs a passenger automobile, as defined in R.S.39:1-1, and a
20 driver with a private customer to provide prearranged passenger
21 transportation at a premium fare on a dedicated, nonscheduled,
22 charter basis that is not conducted on a regular route,¹ of the chief
23 administrator's determination that the applicant is qualified for
24 employment as a limousine operator or driver ¹, or as an operator or
25 driver of any other passenger automobile, as defined in R.S.39:1-1,
26 provided through a company or service which pairs a passenger
27 automobile and a driver with a private customer to provide
28 prearranged passenger transportation at a premium fare on a
29 dedicated, nonscheduled, charter basis that is not conducted on a
30 regular route¹.

31 d. An applicant shall be disqualified from operating or driving
32 a limousine ¹, or any other ²[any other]² passenger automobile, as
33 defined in R.S.39:1-1, provided through a company or service
34 which pairs a passenger automobile and a driver with a private
35 customer to provide prearranged passenger transportation at a
36 premium fare on a dedicated, nonscheduled, charter basis that is not
37 conducted on a regular route,¹ if the applicant's criminal history
38 record background check reveals a record of conviction of any of
39 the following crimes:

40 (1) In New Jersey or elsewhere any crime as follows:
41 aggravated assault, arson, burglary, escape, extortion, homicide,
42 kidnapping, robbery, aggravated sexual assault, sexual assault or
43 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
44 whether or not armed with or having in his possession any weapon
45 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
46 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or
47 other than a disorderly persons or petty disorderly persons offense

1 for the unlawful use, possession or sale of a controlled dangerous
2 substance as defined in N.J.S.2C:35-2.

3 (2) In any other state, territory, commonwealth or other
4 jurisdiction of the United States, or any country in the world, as a
5 result of a conviction in a court of competent jurisdiction, a crime
6 which in that other jurisdiction or country is comparable to one of
7 the crimes enumerated in paragraph (1) of subsection d. of this
8 section.

9 e. The chief administrator is authorized to adopt regulations,
10 pursuant to the "Administrative Procedure Act," P.L.1968, c. 410
11 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

12 f. The provisions of this section shall apply to persons making
13 applications for employment on or after the effective date of
14 P.L.2001, c.416 (C.48:16-18.1 et al.).

15 g. If an applicant who has been convicted of one of the crimes
16 enumerated in subsection d. of this section can produce a certificate
17 of rehabilitation issued pursuant to N.J.S.2A:168A-8 or, if the
18 criminal offense occurred outside New Jersey, an equivalent
19 certificate from the jurisdiction where the criminal offense
20 occurred, the criminal offense shall not disqualify the applicant
21 from operating or driving a limousine ¹or any other passenger
22 automobile, as defined in R.S.39:1-1, provided through a company
23 or service which pairs a passenger automobile and a driver with a
24 private customer to provide prearranged passenger transportation at
25 a premium fare on a dedicated, nonscheduled, charter basis that is
26 not conducted on a regular route¹.

27 ¹h. Nothing in this section shall be construed to include the
28 owners or operators of taxicabs, hotel buses, buses employed solely
29 in transporting school children or teachers, vehicles owned and
30 operated directly or indirectly by businesses engaged in the practice
31 of mortuary science when those vehicles are used exclusively for
32 providing transportation related to the provision of funeral services,
33 autobuses which are subject to the jurisdiction of the Department of
34 Transportation or interstate autobuses required by federal or State
35 law or regulations of the Department of Transportation to carry
36 insurance against loss from liability imposed by law on account of
37 bodily injury or death.¹

38 ²i. The owner of a limousine service, or any other company or
39 service which pairs a passenger automobile, as defined in R.S.39:1-
40 1, and a driver with a private customer to provide prearranged
41 passenger transportation at a premium fare on a dedicated,
42 nonscheduled, charter basis that is not conducted on a regular route,
43 including, but not limited to, the use of authorized drivers of rental
44 vehicles to provide such passenger transportation, who permits the
45 operation of a limousine, or any other passenger automobile
46 provided through a company or service which pairs a passenger
47 automobile and a driver with a private customer to provide

1 prearranged passenger transportation at a premium fare on a
2 dedicated, nonscheduled, charter basis that is not conducted on a
3 regular route, by a person who the chief administrator has not
4 determined to be qualified for employment pursuant to subsection c.
5 of this section shall be subject to a penalty of \$500.

6 Actions to impose a penalty under this subsection shall be
7 brought, and any such penalty shall be collected, in a summary
8 proceeding pursuant to "the Penalty Enforcement Law of 1999,"
9 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any
10 municipal court where the violation was detected, or where the
11 defendant was apprehended, shall have jurisdiction to hear any
12 action brought for violation of this subsection. Penalties imposed
13 pursuant to this subsection shall be in addition to those otherwise
14 imposed according to law. All penalties collected pursuant to the
15 provisions of this subsection shall be forwarded as provided in
16 R.S.39:5-40 and subsection b. of R.S.39:5-41. If the violation is of
17 a continuing nature, each day during which it continues shall
18 constitute an additional, separate, and distinct offense.²

19 (cf: P.L.2007, c.35, s.1)

20
21 5. (New section) a. No person shall operate a limousine ¹, or
22 any other passenger automobile, as defined in R.S.39:1-1, provided
23 through a company or service which pairs a passenger automobile
24 and a driver with a private customer to provide prearranged
25 passenger transportation at a premium fare on a dedicated,
26 nonscheduled, charter basis that is not conducted on a regular route,
27 including, but not limited to, the use of authorized drivers of rental
28 vehicles to provide such passenger transportation,¹ in this State
29 unless the person has a ¹["limousine"] chauffeur¹ endorsement ².
30 An owner of a limousine service, or any other company or service
31 which pairs a passenger automobile, as defined in R.S.39:1-1, and a
32 driver with a private customer to provide prearranged passenger
33 transportation at a premium fare on a dedicated, nonscheduled,
34 charter basis that is not conducted on a regular route, who permits
35 the operation of a limousine, or any other passenger automobile
36 provided through a company or service which pairs a passenger
37 automobile and a driver with a private customer to provide
38 prearranged passenger transportation at a premium fare on a
39 dedicated, nonscheduled, charter basis that is not conducted on a
40 regular route, by any person who does not hold a chauffeur
41 endorsement shall be subject to a penalty of \$500.

42 Actions to impose a penalty under this subsection shall be
43 brought, and any such penalty shall be collected, in a summary
44 proceeding pursuant to "the Penalty Enforcement Law of 1999,"
45 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any
46 municipal court where the violation was detected, or where the
47 defendant was apprehended, shall have jurisdiction to hear any
48 action brought for violation of this subsection. Penalties imposed

1 pursuant to this subsection shall be in addition to those otherwise
2 imposed according to law. All penalties collected pursuant to the
3 provisions of this subsection shall be forwarded as provided in
4 R.S.39:5-40 and subsection b. of R.S.39:5-41. If the violation is of
5 a continuing nature, each day during which it continues shall
6 constitute an additional, separate, and distinct offense² .

7 b. To qualify for a ¹["limousine"] chauffeur¹ endorsement, an
8 applicant shall provide the New Jersey Motor Vehicle Commission
9 (hereinafter "the commission") with the applicant's name, home
10 address, citizenship status, photographic identification, birth
11 certificate, and such other information as the Chief Administrator of
12 the New Jersey Motor Vehicle Commission (hereinafter the "chief
13 administrator") may require.

14 c. The fee for the ¹["limousine"] chauffeur¹ endorsement shall
15 be set by the chief administrator.

16 d. An applicant shall be required to submit proof that the
17 applicant meets the medical standards for commercial drivers which
18 are contained in 49 CFR 391.41.

19 e. An applicant shall submit to being fingerprinted by the
20 Division of State Police in the Department of Law and Public
21 Safety or by agents appointed by, or under contract to, the division
22 and shall also provide written consent to the performance of a
23 criminal history record background check unless the applicant was
24 previously fingerprinted and had a criminal history background
25 check conducted as part of an application for a Commercial Driver
26 License or a passenger endorsement under a Commercial Driver
27 License or both. The chief administrator is authorized to exchange
28 fingerprint data and photographic identification with and receive
29 criminal history record background information results from the
30 Division of State Police. The division shall inform the chief
31 administrator if an applicant's criminal history record background
32 check reveals a conviction of a disqualifying crime as specified in
33 subsection g. of this section. The applicant shall bear the cost of
34 fingerprinting and the cost for the background checks, including all
35 costs of administering and processing the checks. As used in this
36 section, "criminal history record background check" means a
37 determination of whether a person has a criminal record by cross-
38 referencing that person's name and fingerprint data with those on
39 file with the State Bureau of Identification in the Division of State
40 Police.

41 f. No applicant shall be ²permitted to operate or drive a
42 limousine ¹, or any other passenger automobile, as defined in
43 R.S.39:1-1, provided through a company or service which pairs a
44 passenger automobile and a driver with a private customer to
45 provide prearranged passenger transportation at a premium fare on a
46 dedicated, nonscheduled, charter basis that is not conducted on a

1 regular route,¹ issued a chauffeur endorsement² unless the
2 applicant is 21 years of age or older.

3 g. An applicant shall be disqualified from ²[operating or
4 driving a limousine ¹, or any other passenger automobile, as defined
5 in R.S.39:1-1, provided through a company or service which pairs a
6 passenger automobile and a driver with a private customer to
7 provide prearranged passenger transportation at a premium fare on a
8 dedicated, nonscheduled, charter basis that is not conducted on a
9 regular route,¹ obtaining a chauffeur endorsement² if the
10 applicant's criminal history record background check reveals a
11 record of conviction of any of the following crimes:

12 (1) In New Jersey or elsewhere any crime as follows:
13 aggravated assault, arson, burglary, escape, extortion, homicide,
14 kidnapping, robbery, aggravated sexual assault, sexual assault or
15 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
16 whether or not armed with or having in his possession any weapon
17 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
18 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9,
19 or other than a disorderly persons or petty disorderly persons
20 offense for the unlawful use, possession or sale of a controlled
21 dangerous substance as defined in N.J.S.2C:35-2.

22 (2) In any other state, territory, commonwealth, or other
23 jurisdiction of the United States, or any country in the world, as a
24 result of a conviction in a court of competent jurisdiction, a crime
25 which in that other jurisdiction or country is comparable to one of
26 the crimes enumerated in paragraph (1) of this subsection.

27 h. If an applicant who has been convicted of one of the crimes
28 enumerated in paragraph (1) of subsection g. of this section can
29 produce a certificate of rehabilitation issued pursuant to
30 N.J.S.2A:168A-8 or, if the criminal offense occurred outside New
31 Jersey, an equivalent certificate from the jurisdiction where the
32 criminal offense occurred, the criminal offense will not disqualify
33 the applicant from obtaining a ¹[limousine] chauffeur¹
34 endorsement ¹.

35 i. Nothing in this section shall be construed to require
36 operators of taxicabs, hotel buses, buses employed solely in
37 transporting school children or teachers, vehicles owned and
38 operated directly or indirectly by businesses engaged in the practice
39 of mortuary science when those vehicles are used exclusively for
40 providing transportation related to the provision of funeral services,
41 autobuses which are subject to the jurisdiction of the Department of
42 Transportation or interstate autobuses required by federal or State
43 law or regulations of the Department of Transportation to carry
44 insurance against loss from liability imposed by law on account of
45 bodily injury or death to obtain a chauffeur endorsement pursuant to
46 subsection a. of this section¹.

1 '~~i.~~ ~~j.~~' The chief administrator is authorized to adopt
2 regulations, pursuant to the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
4 this section.

5 '~~j.~~ ~~k.~~' "Certification date" means the date on which the
6 chief administrator certifies to the Governor that the '~~MATRIX~~
7 system' Motor Vehicle Automated Transaction System (MATRX)
8 is capable of accommodating the new '~~limousine~~ chauffeur'
9 endorsement. The chief administrator shall make such certification
10 when the '~~MATRIX~~ MATRX' system can denote the existence
11 of the endorsement and can monitor and track the status of the
12 endorsement on a person's driving record.

13

14 6. On the certification date, section 9 of P.L.2001, c.416
15 (C.48:16-22.3a) is repealed.

16

17 7. This act shall take effect immediately but 'the provisions of
18 section 4 shall be inoperative until the 91st day following the date
19 of enactment and' section 5 shall be inoperative until the
20 certification date.

ASSEMBLY, No. 3634

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

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Assemblymen Prieto and Rudder

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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8 as follows:

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10 street in this State in violation of the provisions of article 2 of
11 chapter 16 of Title 48 of the Revised Statutes or of Title 39 of the
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13 a. (1) For operating a limousine without a license issued by a
14 municipality pursuant to R.S.48:16-17, knowingly permitting a
15 driver to operate a limousine without a validly issued driver's
16 license or a validly issued commercial driver license if required
17 pursuant to N.J.A.C.13:21-23.1, failure to have filed an insurance
18 policy in the amount of \$1,500,000 which is currently in force as
19 provided in R.S.48:16-14 or in the amounts required pursuant to
20 section 14 of P.L.1999, c.356 (C.48:16-22.4), operating a limousine
21 in which the number of passengers exceeds the maximum seating
22 capacity as provided in R.S.48:16-13 or section 2 of P.L.1997,
23 c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense and a
24 fine of \$5000 for the second or subsequent offense;

25 (2) For operating a limousine without the special registration
26 plates required pursuant to section 12 of P.L.1979, c.224 (C.39:3-
27 19.5), or operating a limousine without the limousine being
28 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for
29 the first offense and a fine of \$2,500 for the second or subsequent
30 offense;

31 (3) For operating a limousine without the attached sideboards
32 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to
33 retain within the limousine appropriate proof of insurance pursuant
34 to R.S.48:16-17 or failure to execute and deliver to the **[Director of**
35 **the Division of Motor Vehicles]** chief administrator the power of
36 attorney required pursuant to R.S.48:16-16: a fine of \$250 for the
37 first offense and \$500 for the second and subsequent offense;

38 (4) For failure to be equipped with a two-way communications
39 system, a removable first-aid kit **[or]** , and an operable fire
40 extinguisher as required by section 11 of P.L.1999, c.356 (C.48:16-
41 22.1), or any other violation of the provisions of article 2 of chapter
42 16 of Title 48 of the Revised Statutes other than those enumerated
43 in this subsection: a fine of \$50 for the first offense and \$100 for
44 the second and subsequent offense.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. Violations of this section shall be enforced and penalties
2 collected in a summary proceeding pursuant to "The Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 The Superior Court or any municipal court where the violation was
5 detected, or where the defendant was apprehended, shall have
6 jurisdiction to enforce this section. Penalties imposed pursuant to
7 this section shall be in addition to those otherwise imposed
8 according to law. All penalties collected pursuant to the provisions
9 of this section shall be forwarded as provided in R.S.39:5-40 and
10 subsection b. of R.S.39:5-41.

11 c. State Police officers may enter the property of the operator of
12 a limousine service to conduct an inspection of documents and
13 vehicles upon probable cause that the operator is violating
14 R.S.48:16-14, R.S.48:16-17, R.S.48:16-22, section 11 of P.L.1999,
15 c.356 (C.48:16-22.1), section 14 of P.L.1999, c.356 (C.48:16-22.4),
16 or section 12 of P.L.1979, c.224 (C.39:3-19.5).

17 (cf: P.L.2001, c.416, s.11)

18

19 2. R.S.48:16-13 is amended to read as follows:

20 48:16-13. Except as provided in section 2 of P.L.1997, c.356
21 (C.48:16-13.1), as used in this article:

22 "Autocab" means a limousine.

23 "Chief Administrator" means the Chief Administrator of the New
24 Jersey Motor Vehicle Commission.

25 "Commission" means the New Jersey Motor Vehicle
26 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
27 4).

28 "Limousine" means and includes any automobile or motor car
29 used in the business of carrying passengers for hire to provide
30 prearranged passenger transportation at a premium fare on a
31 dedicated, nonscheduled, charter basis that is not conducted on a
32 regular route and with a seating capacity **[in no event]** of no more
33 than 14 passengers, not including the driver, provided, that such a
34 vehicle **[shall not have a seating capacity in excess of four**
35 **passengers, not including the driver, beyond the maximum**
36 **passenger seating capacity of the vehicle, not including the driver,**
37 **at the time of manufacture]** is certified by the manufacturer of the
38 original vehicle and the second-stage manufacturer, if applicable, to
39 conform to all applicable Federal Motor Vehicle Safety Standards
40 promulgated by the United States Department of Transportation
41 pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq) and 49 CFR
42 Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission
43 Control Information" label, which contains the name and trademark
44 of the manufacturer and an unconditional statement of compliance
45 with the emission requirements of the Environmental Protection
46 Agency, shall be present on the vehicle. Nothing in this article
47 contained shall be construed to include taxicabs, hotel buses, buses
48 employed solely in transporting school children or teachers,

1 vehicles owned and operated directly or indirectly by businesses
2 engaged in the practice of mortuary science when those vehicles are
3 used exclusively for providing transportation related to the
4 provision of funeral services, autobuses which are subject to the
5 jurisdiction of the Department of Transportation , or interstate
6 autobuses required by federal or State law or regulations of the
7 Department of Transportation to carry insurance against loss from
8 liability imposed by law on account of bodily injury or death.

9 "Limousine or livery service" means and includes the business of
10 carrying passengers for hire by limousines.

11 "Person" means and includes any individual, copartnership,
12 association, corporation or joint stock company, their lessees,
13 trustees or receivers appointed by any court whatsoever.

14 "Principal place of business" means, in reference to a
15 municipality, the location of the main place of business of the
16 limousine service in the municipality where limousine service is
17 conducted, where limousines are dispatched, or where limousine
18 drivers report for duty.

19 "Street" means and includes any street, avenue, park, parkway,
20 highway, or other public place.

21 (cf: P.L.2001, c.416, s.4)

22

23 3. R.S.48:16-17 is amended to read as follows:

24 48:16-17. The clerk of the municipality, in which the owner has
25 his principal place of business, upon the filing of the required
26 insurance policy and the payment of a fee which shall not exceed
27 \$50 for each limousine service, shall issue in duplicate a license to
28 operate showing that the owner of the limousine has complied with
29 the terms and provisions of this article.

30 The license shall recite the name of the insurance company, the
31 number and date of expiration of the policy, a description of every
32 limousine insured thereunder, and the registration number of the
33 same.

34 The duplicate license shall be filed with the [Division of Motor
35 Vehicles] commission before any such car is registered as a
36 limousine.

37 The original license or a copy thereof shall be retained within the
38 limousine and shall be available for inspection by any [police] law
39 enforcement officer in the State. In [lieu of] addition to the recital
40 of insurance information required on the license pursuant to this
41 section, the owner of a limousine [may affix] shall attach to the
42 original license or copy thereof retained within the limousine a
43 notarized letter from an insurance company containing the same
44 insurance information required in the recital and the Vehicle
45 Identification Number (VIN) or a notarized certificate of insurance
46 for the particular limousine showing the VIN as well as the limits of
47 insurance coverage, and available insurance card, which shall

1 constitute proof of insurance coverage, and which shall also be
2 available for inspection by any **[police]** law enforcement officer in
3 the State. A copy of the notarized letter or notarized certificate of
4 insurance shall constitute proof to the **[Director of the Division of**
5 **Motor Vehicles]** chief administrator, that the applicant has
6 complied with the insurance provisions of this section.

7 (cf: P.L.1999, c.356, s.7)

8

9 4. Section 9 of P.L.2001, c.416 (C.48:16-22.3a) is amended to
10 read as follows:

11 9. a. Any person who owns a limousine service shall require an
12 applicant for employment as a limousine operator or driver to
13 provide the applicant's name, address, citizenship status, a form of
14 photographic identification, birth certificate, and such other
15 information as the Chief Administrator of the New Jersey Motor
16 Vehicle Commission (hereinafter the "chief administrator") may
17 require.

18 b. An applicant subject to the provisions of subsection a. of this
19 section shall submit to being fingerprinted by the Division of State
20 Police in the Department of Law and Public Safety or by agents
21 appointed by or under contract to the division and shall also provide
22 written consent to the performance of a criminal history record
23 background check unless the applicant was previously fingerprinted
24 and had a criminal history background check conducted as part of
25 an application for a Commercial Driver License or a passenger
26 endorsement under a Commercial Driver License or both. **[The**
27 applicant also shall provide written consent to the performance of a
28 criminal history record background check.] The chief administrator
29 is authorized to exchange fingerprint data and photographic
30 identification with and receive criminal history record background
31 information results from the **[Federal Bureau of Investigation and**
32 **the]** Division of State Police. The division shall inform the chief
33 administrator if an applicant's criminal history record background
34 check reveals a conviction of a disqualifying crime as specified in
35 subsection d. of this section. The applicant shall bear the cost of
36 fingerprinting and the cost for the background checks, including all
37 costs of administering and processing the checks. As used in this
38 section, "criminal history record background check" means a
39 determination of whether a person has a criminal record by cross-
40 referencing that person's name and fingerprint data with those on
41 file with the **[Federal Bureau of Investigation, Identification**
42 **Division and the]** State Bureau of Identification in the Division of
43 State Police.

44 c. No applicant shall be permitted to operate or drive a
45 limousine unless the applicant is 21 years of age or older and unless
46 the chief administrator provides written notification to the owner of
47 the limousine service of the chief administrator's determination that

1 the applicant is qualified for employment as a limousine operator or
2 driver.

3 d. An applicant shall be disqualified from operating or driving
4 a limousine if the applicant's criminal history record background
5 check reveals a record of conviction of any of the following crimes:

6 (1) In New Jersey or elsewhere any crime as follows:
7 aggravated assault, arson, burglary, escape, extortion, homicide,
8 kidnapping, robbery, aggravated sexual assault, sexual assault or
9 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
10 whether or not armed with or having in his possession any weapon
11 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
12 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or
13 other than a disorderly persons or petty disorderly persons offense
14 for the unlawful use, possession or sale of a controlled dangerous
15 substance as defined in N.J.S.2C:35-2.

16 (2) In any other state, territory, commonwealth or other
17 jurisdiction of the United States, or any country in the world, as a
18 result of a conviction in a court of competent jurisdiction, a crime
19 which in that other jurisdiction or country is comparable to one of
20 the crimes enumerated in paragraph (1) of subsection d. of this
21 section.

22 e. The chief administrator is authorized to adopt regulations,
23 pursuant to the "Administrative Procedure Act," P.L.1968, c. 410
24 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

25 f. The provisions of this section shall apply to persons making
26 applications for employment on or after the effective date of
27 P.L.2001, c.416 (C.48:16-18.1 et al.).

28 g. If an applicant who has been convicted of one of the crimes
29 enumerated in subsection d. of this section can produce a certificate
30 of rehabilitation issued pursuant to N.J.S.2A:168A-8 or, if the
31 criminal offense occurred outside New Jersey, an equivalent
32 certificate from the jurisdiction where the criminal offense
33 occurred, the criminal offense shall not disqualify the applicant
34 from operating or driving a limousine.

35 (cf: P.L.2007, c.35, s.1)

36

37 5. (New section) a. No person shall operate a limousine in this
38 State unless the person has a limousine endorsement.

39 b. To qualify for a limousine endorsement, an applicant shall
40 provide the New Jersey Motor Vehicle Commission (hereinafter
41 "the commission") with the applicant's name, home address,
42 citizenship status, photographic identification, birth certificate, and
43 such other information as the Chief Administrator of the New
44 Jersey Motor Vehicle Commission (hereinafter the "chief
45 administrator") may require.

46 c. The fee for the limousine endorsement shall be set by the
47 chief administrator.

1 d. An applicant shall be required to submit proof that the
2 applicant meets the medical standards for commercial drivers which
3 are contained in 49 CFR 391.41.

4 e. An applicant shall submit to being fingerprinted by the
5 Division of State Police in the Department of Law and Public
6 Safety or by agents appointed by, or under contract to, the division
7 and shall also provide written consent to the performance of a
8 criminal history record background check unless the applicant was
9 previously fingerprinted and had a criminal history background
10 check conducted as part of an application for a Commercial Driver
11 License or a passenger endorsement under a Commercial Driver
12 License or both. The chief administrator is authorized to exchange
13 fingerprint data and photographic identification with and receive
14 criminal history record background information results from the
15 Division of State Police. The division shall inform the chief
16 administrator if an applicant's criminal history record background
17 check reveals a conviction of a disqualifying crime as specified in
18 subsection g. of this section. The applicant shall bear the cost of
19 fingerprinting and the cost for the background checks, including all
20 costs of administering and processing the checks. As used in this
21 section, "criminal history record background check" means a
22 determination of whether a person has a criminal record by cross-
23 referencing that person's name and fingerprint data with those on
24 file with the State Bureau of Identification in the Division of State
25 Police.

26 f. No applicant shall be permitted to operate or drive a
27 limousine unless the applicant is 21 years of age or older.

28 g. An applicant shall be disqualified from operating or driving
29 a limousine if the applicant's criminal history record background
30 check reveals a record of conviction of any of the following crimes:

31 (1) In New Jersey or elsewhere any crime as follows:
32 aggravated assault, arson, burglary, escape, extortion, homicide,
33 kidnapping, robbery, aggravated sexual assault, sexual assault or
34 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
35 whether or not armed with or having in his possession any weapon
36 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
37 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9,
38 or other than a disorderly persons or petty disorderly persons
39 offense for the unlawful use, possession or sale of a controlled
40 dangerous substance as defined in N.J.S.2C:35-2.

41 (2) In any other state, territory, commonwealth, or other
42 jurisdiction of the United States, or any country in the world, as a
43 result of a conviction in a court of competent jurisdiction, a crime
44 which in that other jurisdiction or country is comparable to one of
45 the crimes enumerated in paragraph (1) of this subsection.

46 h. If an applicant who has been convicted of one of the crimes
47 enumerated in paragraph (1) of subsection g. of this section can
48 produce a certificate of rehabilitation issued pursuant to

1 N.J.S.2A:168A-8 or, if the criminal offense occurred outside New
2 Jersey, an equivalent certificate from the jurisdiction where the
3 criminal offense occurred, the criminal offense will not disqualify
4 the applicant from obtaining a limousine endorsement.

5 i. The chief administrator is authorized to adopt regulations,
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

8 j. "Certification date" means the date on which the chief
9 administrator certifies to the Governor that the MATRIX system is
10 capable of accommodating the new limousine endorsement. The
11 chief administrator shall make such certification when the MATRIX
12 system can denote the existence of the endorsement and can
13 monitor and track the status of the endorsement on a person's
14 driving record.

15

16 6. On the certification date, section 9 of P.L.2001, c.416
17 (C.48:16-22.3a) is repealed.

18

19 7. This act shall take effect immediately but section 5 shall be
20 inoperative until the certification date.

21

22

23

STATEMENT

24

25 This bill makes sundry changes to the law relating to limousines.
26 The bill specifically:

27 (1) Redefines the term "limousine" by deleting a prohibition of a
28 seating capacity in excess of four passengers, not including the
29 driver, beyond the maximum passenger seating capacity at the time
30 of manufacture. In its place, the bill provides that the limousine
31 must be certified by the manufacturer of the original vehicle and the
32 second stage manufacturer, if applicable, to conform to all
33 applicable Federal Motor Vehicle Safety Standards (FMVSS)
34 promulgated by the United States Department of Transportation
35 pursuant to 49 CFR 571.1 et seq. and 49 CFR 567.1 et seq. In
36 addition a "Vehicle Limousine Control Information" label and an
37 unconditional statement of compliance with Environmental
38 Protection Agency emission requirements shall be present on the
39 vehicle.

40 (2) Permits State Police officers to enter the property of the
41 operator of a limousine service to conduct an inspection of
42 documents and vehicles upon probable cause that the operator is in
43 violation of certain provisions of the law regulating limousine
44 service.

45 (3) Clarifies that the fee charged by a municipality under
46 R.S.48:16-17 for issuing a license to operate a limousine shall not
47 exceed \$50 for each limousine service.

- 1 (4) Requires that the license issued under R.S.48:16-17 shall
2 have attached to it a notarized letter from the insurance company
3 with the Vehicle Identification Number (VIN), or a notarized
4 certificate of insurance for the particular limousine showing the
5 VIN as well as the limits of the insurance coverage.
- 6 (5) Requires the original license or a copy thereof, in addition to
7 the notarized letter from the insurance company or notarized
8 certificate of insurance and an available insurance card, to be
9 retained within the limousine and to be available for inspection by
10 any law enforcement officer in the State.
- 11 (6) Amends the provisions of current law (section 9 of P.L.2001,
12 c.416 (C.48:16-22.3a)) regarding limousine driver criminal history
13 record background checks to take into account previously
14 conducted background checks.
- 15 (7) Provides that an applicant for employment as a limousine
16 driver or operator convicted of a disqualifying crime may not be
17 disqualified from such employment by the chief administrator of the
18 Motor Vehicle Commission, if the applicant can produce a
19 certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or
20 equivalent certificate from another jurisdiction.
- 21 (8) Establishes a requirement that the driver of a limousine
22 receive a limousine endorsement on the driver's license. The
23 endorsement requirements are similar to the requirements contained
24 in section 9 of P.L.2001, c.416 (C.48:16-22.3a), as amended by
25 section 4 of this bill. The endorsement requirements are to become
26 operative when the chief administrator certifies that the MATRIX
27 computer system of the Motor Vehicle Commission is ready to
28 process the endorsement. On that date, section 9 of P.L.2001, c.416
29 is repealed and the endorsement requirements supersede the current
30 statutory requirements.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3634

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2009

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 3634.

As reported, this amended bill makes sundry changes to the law relating to limousines. The bill specifically:

(1) Redefines the term "limousine" by deleting a prohibition of a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity at the time of manufacture. In its place, the bill provides that the limousine must be certified by the manufacturer of the original vehicle and the second stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) promulgated by the United States Department of Transportation pursuant to 49 CFR 571.1 et seq. and 49 CFR 567.1 et seq. In addition a "Vehicle Limousine Control Information" label and an unconditional statement of compliance with Environmental Protection Agency emission requirements shall be present on the vehicle.

(2) Permits State Police officers to enter the property of the operator of a limousine service to conduct an inspection of documents and vehicles upon probable cause that the operator is in violation of certain provisions of the law regulating limousine service.

(3) Clarifies that the fee charged by a municipality under R.S.48:16-17 for issuing a license to operate a limousine shall not exceed \$50 for each limousine service.

(4) Requires that the license issued under R.S.48:16-17 shall have attached to it a notarized letter from the insurance company with the Vehicle Identification Number (VIN), or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of the insurance coverage.

(5) Requires the original license or a copy thereof, in addition to the notarized letter from the insurance company or notarized certificate of insurance and an available insurance card, be retained within the

limousine and be available for inspection by any law enforcement officer in the State.

(6) Amends the provisions of current law (section 9 of P.L.2001, c.416 (C.48:16-22.3a)) regarding limousine driver criminal history record background checks to take into account previously conducted background checks.

(7) Requires an applicant for employment as an operator or driver of a passenger automobile, as defined in R.S.39:1-1, provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, including, but not limited to, the use of authorized drivers of rental vehicles to provide such passenger transportation, to follow the same guidelines as an applicant for employment as a limousine operator, such as required documentation, criminal history record background checks, and age requirements.

(8) Provides that an applicant for employment as a limousine driver or operator, or as a driver or operator of any other passenger automobile provided through a company which pairs a passenger automobile and driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on regular route, who has been convicted of a disqualifying crime may not be disqualified from such employment by the chief administrator of the Motor Vehicle Commission if the applicant can produce a certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or equivalent certificate from another jurisdiction.

(9) Establishes a requirement that the driver of a limousine, or any other passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, receive a chauffeur endorsement on the driver's license. The endorsement requirements are similar to the requirements contained in section 9 of P.L.2001, c.416 (C.48:16-22.3a), as amended by section 4 of this bill. The endorsement requirements are to become operative when the chief administrator certifies that the Motor Vehicle Automated Transaction System (MATRX) of the Motor Vehicle Commission is ready to process the endorsement. On that date, section 9 of P.L.2001, c.416 is repealed and the endorsement requirements supersede the current statutory requirements.

COMMITTEE AMENDMENTS

The committee amended the bill to require an applicant for employment as an operator or driver of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route to follow the same guidelines as applicants for employment as limousine operators with respect to required documentation, criminal history record background checks, and age requirements.

The committee amended the provision allowing an applicant to produce a certificate of rehabilitation in order to avoid disqualification, due to convictions of certain crimes, from employment as a limousine driver or operator to also apply to an applicant for employment as a driver or operator of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route.

The committee amended the bill to clarify that the requirements (such as background checks, age requirements, and endorsements) for operators of limousines and other passenger automobiles provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route do not apply to owners or operators of taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death

The committee amended the bill to prohibit the operation of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, including, but not limited to, the use of authorized drivers of rental vehicles to provide such passenger transportation unless the operator thereof has a chauffeur endorsement.

The committee amended the bill to change the name of the limousine endorsement established under the bill to a chauffeur endorsement.

The committee amended the bill to make section 4 of the bill inoperative until the 91st day following the date enactment.

The committee amended the bill to make technical changes to the ordering of subsections and to correct the reference to the Motor Vehicle Automated Transaction System (MATRX).

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3634

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Senate Transportation Committee reports favorably Assembly Bill No. 3634(2R).

This bill makes sundry changes to the law relating to limousines. The bill specifically:

(1) Redefines the term "limousine" by deleting a prohibition of a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity at the time of manufacture. In its place, the bill provides that the limousine must be certified by the manufacturer of the original vehicle and the second stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) promulgated by the United States Department of Transportation pursuant to 49 CFR 571.1 et seq. and 49 CFR 567.1 et seq. In addition a "Vehicle Limousine Control Information" label and an unconditional statement of compliance with Environmental Protection Agency emission requirements shall be present on the vehicle.

(2) Permits State Police officers to enter the property of the operator of a limousine service to conduct an inspection of documents and vehicles upon probable cause that the operator is in violation of certain provisions of the law regulating limousine service.

(3) Clarifies that the fee charged by a municipality under R.S.48:16-17 for issuing a license to operate a limousine shall not exceed a total sum of \$50 for each limousine service plus \$10 for each limousine which is covered under the required insurance policy.

(4) Requires that the license issued under R.S.48:16-17 shall have attached to it a notarized letter from the insurance company with the Vehicle Identification Number (VIN), or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of the insurance coverage.

(5) Requires the original license or a copy thereof, in addition to the notarized letter from the insurance company or notarized certificate of insurance and an available insurance card, to be retained within the limousine and be available for inspection by any law enforcement officer in the State.

(6) Amends the provisions of current law (section 9 of P.L.2001, c.416 (C.48:16-22.3a)) regarding limousine driver criminal history record background checks to take into account previously conducted background checks.

(7) Provides that an applicant for employment as a limousine driver or operator who has been convicted of a disqualifying crime may not be disqualified from such employment by the chief administrator of the Motor Vehicle Commission if the applicant can produce a certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or equivalent certificate from another jurisdiction.

(8) Establishes a requirement that the driver of a limousine receive a chauffeur endorsement on the driver's license. The endorsement requirements are similar to the requirements contained in section 9 of P.L.2001, c.416 (C.48:16-22.3a), as amended by section 4 of this bill. The endorsement requirements are to become operative when the chief administrator certifies that the Motor Vehicle Automated Transaction System (MATRX) of the Motor Vehicle Commission is ready to process the endorsement. On that date, section 9 of P.L.2001, c.416 is repealed and the endorsement requirements supersede the current statutory requirements.

(9) Imposes a penalty of \$500 on the owner of a limousine service who permits the operation of a limousine by any person that the Chief Administrator of the New Jersey Motor Vehicle Commission has not determined to be qualified for employment as a driver or operator of a limousine.

(10) Once the commission's new automated transaction system (MATRX) is capable of accommodating the chauffeur endorsement established under the bill, the bill provides for the imposition of a \$500 penalty on an owner who permits the operation of a limousine by a person who does not have a chauffeur endorsement. This penalty would replace the penalty described in the preceding paragraph, which will be repealed upon the certification date defined in section 5 of the bill.

(11) Requires an applicant for employment as an operator or driver of a passenger automobile, as defined in R.S.39:1-1, provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, including, but not limited to, the use of authorized drivers of rental vehicles to provide such passenger transportation, to follow the same guidelines as an applicant for employment as a limousine operator, such as required documentation, criminal history record background checks, and age requirements. Drivers or operators of such passenger automobiles, or the owners thereof, as the case may be, shall also be subject to the provisions of (6), (7), (8), (9), and (10) above.

This bill is identical to S-2716, as amended and released by the committee on this date.

STATEMENT TO
[First Reprint]
ASSEMBLY No. 3634

with Assembly Floor Amendments
(Proposed by Assemblyman PRIETO)

ADOPTED: JUNE 18, 2009

These Assembly amendments would permit a municipality to charge the owner of a limousine service a \$10 fee for each limousine covered under the required insurance policy when issuing a license to operate. This fee would be in addition to the \$50 fee which the municipality may charge the limousine service itself.

The amendments would impose a penalty of \$500 on the owner of a limousine service, or any other company or service which pairs a passenger automobile and driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, who permits the operation of such a limousine or other passenger automobile by any person that the Chief Administrator of the New Jersey Motor Vehicle Commission has not determined to be qualified for employment as such a driver or operator.

Once the commission's new automated transaction system (MATRX) is capable of accommodating the chauffeur endorsement established under the bill, the amendments provide for the imposition of a \$500 penalty on an owner who permits the operation of such a limousine or other passenger automobile by a person who does not have a chauffeur endorsement. This penalty would replace the penalty described in the preceding paragraph, which will be repealed upon the certification date defined in section 5 of the bill.

The amendments also clarify that no applicant for a chauffeur endorsement may receive such an endorsement unless the applicant is 21 years of age or older. The amendments further clarify that an applicant shall be disqualified from obtaining a chauffeur endorsement if the applicant's criminal history record background check reveals a conviction of a disqualifying crime.

The amendments make a technical correction to remove a typographical error.

SENATE, No. 2716

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MARCH 10, 2009

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Makes sundry changes to limousine laws.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning limousines and revising various parts of the
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to
8 read as follows:

9 18. A person who shall own and operate a limousine in any
10 street in this State in violation of the provisions of article 2 of
11 chapter 16 of Title 48 of the Revised Statutes or of Title 39 of the
12 Revised Statutes shall be subject to the following penalties:

13 a. (1) For operating a limousine without a license issued by a
14 municipality pursuant to R.S.48:16-17, knowingly permitting a
15 driver to operate a limousine without a validly issued driver's
16 license or a validly issued commercial driver license if required
17 pursuant to N.J.A.C.13:21-23.1, failure to have filed an insurance
18 policy in the amount of \$1,500,000 which is currently in force as
19 provided in R.S.48:16-14 or in the amounts required pursuant to
20 section 14 of P.L.1999, c.356 (C.48:16-22.4), operating a limousine
21 in which the number of passengers exceeds the maximum seating
22 capacity as provided in R.S.48:16-13 or section 2 of P.L.1997,
23 c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense and a
24 fine of \$5000 for the second or subsequent offense;

25 (2) For operating a limousine without the special registration
26 plates required pursuant to section 12 of P.L.1979, c.224 (C.39:3-
27 19.5), or operating a limousine without the limousine being
28 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for
29 the first offense and a fine of \$2,500 for the second or subsequent
30 offense;

31 (3) For operating a limousine without the attached sideboards
32 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to
33 retain within the limousine appropriate proof of insurance pursuant
34 to R.S.48:16-17 or failure to execute and deliver to the **[Director of**
35 **the Division of Motor Vehicles]** chief administrator the power of
36 attorney required pursuant to R.S.48:16-16: a fine of \$250 for the
37 first offense and \$500 for the second and subsequent offense;

38 (4) For failure to be equipped with a two-way communications
39 system, a removable first-aid kit **[or]** , and an operable fire
40 extinguisher as required by section 11 of P.L.1999, c.356 (C.48:16-
41 22.1), or any other violation of the provisions of article 2 of chapter
42 16 of Title 48 of the Revised Statutes other than those enumerated
43 in this subsection: a fine of \$50 for the first offense and \$100 for
44 the second and subsequent offense.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 b. Violations of this section shall be enforced and penalties
2 collected in a summary proceeding pursuant to "The Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 The Superior Court or any municipal court where the violation was
5 detected, or where the defendant was apprehended, shall have
6 jurisdiction to enforce this section. Penalties imposed pursuant to
7 this section shall be in addition to those otherwise imposed
8 according to law. All penalties collected pursuant to the provisions
9 of this section shall be forwarded as provided in R.S.39:5-40 and
10 subsection b. of R.S.39:5-41.

11 c. State Police officers may enter the property of the operator
12 of a limousine service to conduct an inspection of documents and
13 vehicles upon probable cause that the operator is violating
14 R.S.48:16-14, R.S.48:16-17, R.S.48:16-22, section 11 of P.L.1999,
15 c.356 (C.48:16-22.1), section 14 of P.L.1999, c.356 (C.48:16-22.4),
16 or section 12 of P.L.1979, c.224 (C.39:3-19.5).

17 (cf: P.L.2001, c.416, s.11)

18

19 2. R.S.48:16-13 is amended to read as follows:

20 48:16-13. Except as provided in section 2 of P.L.1997, c.356
21 (C.48:16-13.1), as used in this article:

22 "Autocab" means a limousine.

23 "Chief Administrator" means the Chief Administrator of the New
24 Jersey Motor Vehicle Commission.

25 "Commission" means the New Jersey Motor Vehicle
26 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
27 4).

28 "Limousine" means and includes any automobile or motor car
29 used in the business of carrying passengers for hire to provide
30 prearranged passenger transportation at a premium fare on a
31 dedicated, nonscheduled, charter basis that is not conducted on a
32 regular route and with a seating capacity **[in no event]** of no more
33 than 14 passengers, not including the driver, provided, that such a
34 vehicle **[shall not have a seating capacity in excess of four**
35 **passengers, not including the driver, beyond the maximum**
36 **passenger seating capacity of the vehicle, not including the driver,**
37 **at the time of manufacture]** is certified by the manufacturer of the
38 original vehicle and the second-stage manufacturer, if applicable, to
39 conform to all applicable Federal Motor Vehicle Safety Standards
40 promulgated by the United States Department of Transportation
41 pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq) and 49 CFR
42 Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission
43 Control Information" label, which contains the name and trademark
44 of the manufacturer and an unconditional statement of compliance
45 with the emission requirements of the Environmental Protection
46 Agency, shall be present on the vehicle. Nothing in this article
47 contained shall be construed to include taxicabs, hotel buses, buses
48 employed solely in transporting school children or teachers,

1 vehicles owned and operated directly or indirectly by businesses
2 engaged in the practice of mortuary science when those vehicles are
3 used exclusively for providing transportation related to the
4 provision of funeral services, autobuses which are subject to the
5 jurisdiction of the Department of Transportation , or interstate
6 autobuses required by federal or State law or regulations of the
7 Department of Transportation to carry insurance against loss from
8 liability imposed by law on account of bodily injury or death.

9 "Limousine or livery service" means and includes the business of
10 carrying passengers for hire by limousines.

11 "Person" means and includes any individual, copartnership,
12 association, corporation or joint stock company, their lessees,
13 trustees or receivers appointed by any court whatsoever.

14 "Principal place of business" means, in reference to a
15 municipality, the location of the main place of business of the
16 limousine service in the municipality where limousine service is
17 conducted, where limousines are dispatched, or where limousine
18 drivers report for duty.

19 "Street" means and includes any street, avenue, park, parkway,
20 highway, or other public place.

21 (cf: P.L.2001, c.416, s.4)

22

23 3. R.S.48:16-17 is amended to read as follows:

24 48:16-17. The clerk of the municipality, in which the owner has
25 his principal place of business, upon the filing of the required
26 insurance policy and the payment of a fee which shall not exceed
27 \$50 for each limousine service, shall issue in duplicate a license to
28 operate showing that the owner of the limousine has complied with
29 the terms and provisions of this article.

30 The license shall recite the name of the insurance company, the
31 number and date of expiration of the policy, a description of every
32 limousine insured thereunder, and the registration number of the
33 same.

34 The duplicate license shall be filed with the [Division of Motor
35 Vehicles] commission before any such car is registered as a
36 limousine.

37 The original license or a copy thereof shall be retained within the
38 limousine and shall be available for inspection by any [police] law
39 enforcement officer in the State. In [lieu of] addition to the recital
40 of insurance information required on the license pursuant to this
41 section, the owner of a limousine [may affix] shall attach to the
42 original license or copy thereof retained within the limousine a
43 notarized letter from an insurance company containing the same
44 insurance information required in the recital and the Vehicle
45 Identification Number (VIN) or a notarized certificate of insurance
46 for the particular limousine showing the VIN as well as the limits of
47 insurance coverage, and available insurance card, which shall

1 constitute proof of insurance coverage, and which shall also be
2 available for inspection by any **[police]** law enforcement officer in
3 the State. A copy of the notarized letter or notarized certificate of
4 insurance shall constitute proof to the **[Director of the Division of**
5 **Motor Vehicles]** chief administrator, that the applicant has
6 complied with the insurance provisions of this section.

7 (cf: P.L.1999, c.356, s.7)

8

9 4. Section 9 of P.L.2001, c.416 (C.48:16-22.3a) is amended to
10 read as follows:

11 9. a. Any person who owns a limousine service shall require an
12 applicant for employment as a limousine operator or driver to
13 provide the applicant's name, address, citizenship status, a form of
14 photographic identification, birth certificate, and such other
15 information as the Chief Administrator of the New Jersey Motor
16 Vehicle Commission (hereinafter the "chief administrator") may
17 require.

18 b. An applicant subject to the provisions of subsection a. of this
19 section shall submit to being fingerprinted by the Division of State
20 Police in the Department of Law and Public Safety or by agents
21 appointed by or under contract to the division and shall also provide
22 written consent to the performance of a criminal history record
23 background check unless the applicant was previously fingerprinted
24 and had a criminal history background check conducted as part of
25 an application for a Commercial Driver License or a passenger
26 endorsement under a Commercial Driver License or both. **[The**
27 applicant also shall provide written consent to the performance of a
28 criminal history record background check.**]** The chief administrator
29 is authorized to exchange fingerprint data and photographic
30 identification with and receive criminal history record background
31 information results from the **[Federal Bureau of Investigation and**
32 **the]** Division of State Police. The division shall inform the chief
33 administrator if an applicant's criminal history record background
34 check reveals a conviction of a disqualifying crime as specified in
35 subsection d. of this section. The applicant shall bear the cost of
36 fingerprinting and the cost for the background checks, including all
37 costs of administering and processing the checks. As used in this
38 section, "criminal history record background check" means a
39 determination of whether a person has a criminal record by cross-
40 referencing that person's name and fingerprint data with those on
41 file with the **[Federal Bureau of Investigation, Identification**
42 **Division and the]** State Bureau of Identification in the Division of
43 State Police.

44 c. No applicant shall be permitted to operate or drive a
45 limousine unless the applicant is 21 years of age or older and unless
46 the chief administrator provides written notification to the owner of
47 the limousine service of the chief administrator's determination that

1 the applicant is qualified for employment as a limousine operator or
2 driver.

3 d. An applicant shall be disqualified from operating or driving
4 a limousine if the applicant's criminal history record background
5 check reveals a record of conviction of any of the following crimes:

6 (1) In New Jersey or elsewhere any crime as follows:
7 aggravated assault, arson, burglary, escape, extortion, homicide,
8 kidnapping, robbery, aggravated sexual assault, sexual assault or
9 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
10 whether or not armed with or having in his possession any weapon
11 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
12 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or
13 other than a disorderly persons or petty disorderly persons offense
14 for the unlawful use, possession or sale of a controlled dangerous
15 substance as defined in N.J.S.2C:35-2.

16 (2) In any other state, territory, commonwealth or other
17 jurisdiction of the United States, or any country in the world, as a
18 result of a conviction in a court of competent jurisdiction, a crime
19 which in that other jurisdiction or country is comparable to one of
20 the crimes enumerated in paragraph (1) of subsection d. of this
21 section.

22 e. The chief administrator is authorized to adopt regulations,
23 pursuant to the "Administrative Procedure Act," P.L.1968, c. 410
24 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

25 f. The provisions of this section shall apply to persons making
26 applications for employment on or after the effective date of
27 P.L.2001, c.416 (C.48:16-18.1 et al.).

28 g. If an applicant who has been convicted of one of the crimes
29 enumerated in subsection d. of this section can produce a certificate
30 of rehabilitation issued pursuant to N.J.S.2A:168A-8 or, if the
31 criminal offense occurred outside New Jersey, an equivalent
32 certificate from the jurisdiction where the criminal offense
33 occurred, the criminal offense shall not disqualify the applicant
34 from operating or driving a limousine.

35 (cf: P.L.2007, c.35, s.1)

36

37 5. (New section) a. No person shall operate a limousine in this
38 State unless the person has a limousine endorsement.

39 b. To qualify for a limousine endorsement, an applicant shall
40 provide the New Jersey Motor Vehicle Commission (hereinafter
41 "the commission") with the applicant's name, home address,
42 citizenship status, photographic identification, birth certificate, and
43 such other information as the Chief Administrator of the New
44 Jersey Motor Vehicle Commission (hereinafter the "chief
45 administrator") may require.

46 c. The fee for the limousine endorsement shall be set by the
47 chief administrator.

1 d. An applicant shall be required to submit proof that the
2 applicant meets the medical standards for commercial drivers which
3 are contained in 49 CFR 391.41.

4 e. An applicant shall submit to being fingerprinted by the
5 Division of State Police in the Department of Law and Public
6 Safety or by agents appointed by, or under contract to, the division
7 and shall also provide written consent to the performance of a
8 criminal history record background check unless the applicant was
9 previously fingerprinted and had a criminal history background
10 check conducted as part of an application for a Commercial Driver
11 License or a passenger endorsement under a Commercial Driver
12 License or both. The chief administrator is authorized to exchange
13 fingerprint data and photographic identification with and receive
14 criminal history record background information results from the
15 Division of State Police. The division shall inform the chief
16 administrator if an applicant's criminal history record background
17 check reveals a conviction of a disqualifying crime as specified in
18 subsection g. of this section. The applicant shall bear the cost of
19 fingerprinting and the cost for the background checks, including all
20 costs of administering and processing the checks. As used in this
21 section, "criminal history record background check" means a
22 determination of whether a person has a criminal record by cross-
23 referencing that person's name and fingerprint data with those on
24 file with the State Bureau of Identification in the Division of State
25 Police.

26 f. No applicant shall be permitted to operate or drive a
27 limousine unless the applicant is 21 years of age or older.

28 g. An applicant shall be disqualified from operating or driving
29 a limousine if the applicant's criminal history record background
30 check reveals a record of conviction of any of the following crimes:

31 (1) In New Jersey or elsewhere any crime as follows:
32 aggravated assault, arson, burglary, escape, extortion, homicide,
33 kidnapping, robbery, aggravated sexual assault, sexual assault or
34 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
35 whether or not armed with or having in his possession any weapon
36 enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to
37 the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9,
38 or other than a disorderly persons or petty disorderly persons
39 offense for the unlawful use, possession or sale of a controlled
40 dangerous substance as defined in N.J.S.2C:35-2.

41 (2) In any other state, territory, commonwealth, or other
42 jurisdiction of the United States, or any country in the world, as a
43 result of a conviction in a court of competent jurisdiction, a crime
44 which in that other jurisdiction or country is comparable to one of
45 the crimes enumerated in paragraph (1) of this subsection.

46 h. If an applicant who has been convicted of one of the crimes
47 enumerated in paragraph (1) of subsection g. of this section can
48 produce a certificate of rehabilitation issued pursuant to

1 N.J.S.2A:168A-8 or, if the criminal offense occurred outside New
2 Jersey, an equivalent certificate from the jurisdiction where the
3 criminal offense occurred, the criminal offense will not disqualify
4 the applicant from obtaining a limousine endorsement.

5 i. The chief administrator is authorized to adopt regulations,
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

8 j. "Certification date" means the date on which the chief
9 administrator certifies to the Governor that the MATRIX system is
10 capable of accommodating the new limousine endorsement. The
11 chief administrator shall make such certification when the MATRIX
12 system can denote the existence of the endorsement and can
13 monitor and track the status of the endorsement on a person's
14 driving record.

15

16 6. On the certification date, section 9 of P.L.2001, c.416
17 (C.48:16-22.3a) is repealed.

18

19 7. This act shall take effect immediately but section 5 shall be
20 inoperative until the certification date.

21

22

23

STATEMENT

24

25 This bill makes sundry changes to the law relating to limousines.
26 The bill specifically:

27 (1) Redefines the term "limousine" by deleting a prohibition of a
28 seating capacity in excess of four passengers, not including the
29 driver, beyond the maximum passenger seating capacity at the time
30 of manufacture. In its place, the bill provides that the limousine
31 must be certified by the manufacturer of the original vehicle and the
32 second stage manufacturer, if applicable, to conform to all
33 applicable Federal Motor Vehicle Safety Standards (FMVSS)
34 promulgated by the United States Department of Transportation
35 pursuant to 49 CFR 571.1 et seq. and 49 CFR 567.1 et seq. In
36 addition a "Vehicle Limousine Control Information" label and an
37 unconditional statement of compliance with Environmental
38 Protection Agency emission requirements shall be present on the
39 vehicle.

40 (2) Permits State Police officers to enter the property of the
41 operator of a limousine service to conduct an inspection of
42 documents and vehicles upon probable cause that the operator is in
43 violation of certain provisions of the law regulating limousine
44 service.

45 (3) Clarifies that the fee charged by a municipality under
46 R.S.48:16-17 for issuing a license to operate a limousine shall not
47 exceed \$50 for each limousine service.

- 1 (4) Requires that the license issued under R.S.48:16-17 shall
2 have attached to it a notarized letter from the insurance company
3 with the Vehicle Identification Number (VIN), or a notarized
4 certificate of insurance for the particular limousine showing the
5 VIN as well as the limits of the insurance coverage.
- 6 (5) Requires the original license or a copy thereof, in addition to
7 the notarized letter from the insurance company or notarized
8 certificate of insurance and an available insurance card, to be
9 retained within the limousine and to be available for inspection by
10 any law enforcement officer in the State.
- 11 (6) Amends the provisions of current law (section 9 of P.L.2001,
12 c.416 (C.48:16-22.3a)) regarding limousine driver criminal history
13 record background checks to take into account previously
14 conducted background checks.
- 15 (7) Provides that an applicant for employment as a limousine
16 driver or operator convicted of a disqualifying crime may not be
17 disqualified from such employment by the chief administrator of the
18 Motor Vehicle Commission, if the applicant can produce a
19 certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or
20 equivalent certificate from another jurisdiction.
- 21 (8) Establishes a requirement that the driver of a limousine
22 receive a limousine endorsement on the driver's license. The
23 endorsement requirements are similar to the requirements contained
24 in section 9 of P.L.2001, c.416 (C.48:16-22.3a), as amended by
25 section 4 of this bill. The endorsement requirements are to become
26 operative when the chief administrator certifies that the MATRIX
27 computer system of the Motor Vehicle Commission is ready to
28 process the endorsement. On that date, section 9 of P.L.2001, c.416
29 is repealed and the endorsement requirements supersede the current
30 statutory requirements.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2716

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2716.

This amended bill makes sundry changes to the law relating to limousines. The bill specifically:

(1) Redefines the term "limousine" by deleting a prohibition of a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity at the time of manufacture. In its place, the bill provides that the limousine must be certified by the manufacturer of the original vehicle and the second stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) promulgated by the United States Department of Transportation pursuant to 49 CFR 571.1 et seq. and 49 CFR 567.1 et seq. In addition a "Vehicle Limousine Control Information" label and an unconditional statement of compliance with Environmental Protection Agency emission requirements shall be present on the vehicle.

(2) Permits State Police officers to enter the property of the operator of a limousine service to conduct an inspection of documents and vehicles upon probable cause that the operator is in violation of certain provisions of the law regulating limousine service.

(3) Clarifies that the fee charged by a municipality under R.S.48:16-17 for issuing a license to operate a limousine shall not exceed a total sum of \$50 for each limousine service plus \$10 for each limousine which is covered under the required insurance policy.

(4) Requires that the license issued under R.S.48:16-17 shall have attached to it a notarized letter from the insurance company with the Vehicle Identification Number (VIN), or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of the insurance coverage.

(5) Requires the original license or a copy thereof, in addition to the notarized letter from the insurance company or notarized certificate of insurance and an available insurance card, to be retained within the limousine and be available for inspection by any law enforcement officer in the State.

(6) Amends the provisions of current law (section 9 of P.L.2001, c.416 (C.48:16-22.3a)) regarding limousine driver criminal history record background checks to take into account previously conducted background checks.

(7) Provides that an applicant for employment as a limousine driver or operator who has been convicted of a disqualifying crime may not be disqualified from such employment by the chief administrator of the Motor Vehicle Commission if the applicant can produce a certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or equivalent certificate from another jurisdiction.

(8) Establishes a requirement that the driver of a limousine receive a chauffeur endorsement on the driver's license. The endorsement requirements are similar to the requirements contained in section 9 of P.L.2001, c.416 (C.48:16-22.3a), as amended by section 4 of this bill. The endorsement requirements are to become operative when the chief administrator certifies that the Motor Vehicle Automated Transaction System (MATRX) of the Motor Vehicle Commission is ready to process the endorsement. On that date, section 9 of P.L.2001, c.416 is repealed and the endorsement requirements supersede the current statutory requirements.

(9) Imposes a penalty of \$500 on the owner of a limousine service who permits the operation of a limousine by any person that the Chief Administrator of the New Jersey Motor Vehicle Commission has not determined to be qualified for employment as a driver or operator of a limousine.

(10) Once the commission's new automated transaction system (MATRX) is capable of accommodating the chauffeur endorsement established under the bill, the bill provides for the imposition of a \$500 penalty on an owner who permits the operation of a limousine by a person who does not have a chauffeur endorsement. This penalty would replace the penalty described in the preceding paragraph, which will be repealed upon the certification date defined in section 5 of the bill.

(11) Requires an applicant for employment as an operator or driver of a passenger automobile, as defined in R.S.39:1-1, provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, including, but not limited to, the use of authorized drivers of rental vehicles to provide such passenger transportation, to follow the same guidelines as an applicant for employment as a limousine operator, such as required documentation, criminal history record background checks, and age requirements. Drivers or operators of such passenger automobiles, or the owners thereof, as the case may be, shall also be subject to the provisions of (6), (7), (8), (9), and (10) above.

The committee amended the bill to permit a municipality to charge the owner of a limousine service a \$10 fee for each limousine covered under the required insurance policy when issuing a license to operate. The fee would be in addition to the \$50 fee for which the municipality may charge the limousine service itself.

The committee amended the bill to require an applicant for employment as an operator or driver of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route to follow the same guidelines as applicants for employment as limousine operators with respect to required documentation, criminal history record background checks, and age requirements.

The committee amended the provision allowing an applicant to produce a certificate of rehabilitation in order to avoid disqualification, due to convictions of certain crimes, from employment as a limousine driver or operator to also apply to an applicant for employment as a driver or operator of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route.

The committee amended the bill to clarify that the requirements (such as background checks, age requirements, and endorsements) for operators of limousines and other passenger automobiles provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route do not apply to owners or operators of taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death

The committee amended the bill to prohibit the operation of a passenger automobile provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, including, but not limited to, the use of authorized

drivers of rental vehicles to provide such passenger transportation unless the operator thereof has a chauffeur endorsement.

The committee amended the bill to change the name of the limousine endorsement established under the bill to a chauffeur endorsement.

The committee amended the bill to impose a penalty of \$500 on the owner of a limousine service, or any other company or service which pairs a passenger automobile and driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, who permits the operation of such a limousine or other passenger automobile by any person that the Chief Administrator of the New Jersey Motor Vehicle Commission has not determined to be qualified for employment as such a driver or operator.

Once the commission's new automated transaction system (MATRX) is capable of accommodating the chauffeur endorsement established under the bill, the committee amendments provide for the imposition of a \$500 penalty on an owner who permits the operation of such a limousine or other passenger automobile by a person who does not have a chauffeur endorsement. This penalty would replace the penalty described in the preceding paragraph, which will be repealed upon the certification date defined in section 5 of the bill.

The committee amendments also clarify that no applicant for a chauffeur endorsement may receive such an endorsement unless the applicant is 21 years of age or older. The amendments further clarify that an applicant shall be disqualified from obtaining a chauffeur endorsement if the applicant's criminal history record background check reveals a conviction of a disqualifying crime.

The committee amended the bill to make section 4 of the bill inoperative until the 91st day following the date of enactment.

The committee amended the bill to make technical changes to the designation of subsections and to correct the reference to the Motor Vehicle Automated Transaction System (MATRX).

With these amendments, the bill is identical to A-3634(2R), reported by the committee on the same date.